

REMARKS

Claims 1-51 and 75-81 are pending. New claims 120-144 have been added, and claims 1-6, 8-17, 20-35, 37-40, 42-50 and 75-81 have been canceled without prejudice. Applicant has amended claims 7, 18, 19, 36, 41 and 51 to define Applicant's invention with greater particularity. No new matter has been added with the Amendments, being fully supported by the specification and claims as originally filed.

The Examiner has indicated that claims 7, 18, 19, 36, 41 and 51 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims. Upon entry of this communication, claims 7, 18, 19, 36, 41, 51 and 120-144 will be under consideration.

Claim Objections

Applicant respectfully traverses the objection to claim 21 as allegedly containing an improperly capitalized word within the claim. However, in order to further prosecution and reduce the issues, Applicant has canceled claim 21, rendering the object moot. Withdrawal of the objection is respectfully requested.

Rejection under 35 U.S.C. §112, Second Paragraph

Applicant respectfully traverses the rejection of claims 7, 17 and 36 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. However, in order to further prosecution and reduce the issues, Applicant has canceled claim 17, rendering the rejection moot as to that claim.

With regard to claims 7 and 36, the Examiner alleges that the phrase "wherein altered expression" lacks proper antecedent basis in claims 1 and 20. Applicant has rewritten claims 7 and 36 in independent form including all of the limitations of the base claim and any intervening claims. Applicant has further amended claims 7 and 36 to detect expression of the nucleic acid

molecules with the limitations provided by those claims as originally filed. Accordingly, Applicant submits that the limitations of claims 7 and 36 do not lack antecedent basis. Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. §102

Applicant respectfully traverses the rejection of claims 1 and 3-5 under 35 U.S.C. §102(e), as allegedly being anticipated by Rheins et al. (U.S. Pat. No. 6,720,145). However, in order to further prosecution and reduce the issues, Applicant has canceled claims 1 and 3-5, rendering the rejection moot as to those claims. Withdrawal of the rejection is respectfully requested.

Applicant respectfully traverses the rejection of claims 1, 3-6 and 75-81 under 35 U.S.C. §102(b), as allegedly being anticipated by Vogt (WO 03/001985). However, in order to further prosecution and reduce the issues, Applicant has canceled claims 1, 3-6 and 75-81, rendering the rejection moot as to those claims. Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. §102/103

Applicant respectfully traverses the rejection of claim 2 under 35 U.S.C. §102(b), as allegedly being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as allegedly obvious over Vogt (WO 03/001985). However, in order to further prosecution and reduce the issues, Applicant has canceled claim 2, rendering the rejection moot as to that claim. Withdrawal of the rejection is respectfully requested.

Applicant respectfully traverses the rejection of claim 2 under 35 U.S.C. §102(e), as allegedly being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as allegedly obvious over Rheins et al. (U.S. Pat. No. 6,720,145). However, in order to further prosecution and reduce the issues, Applicant has canceled claim 2, rendering the rejection moot as to that claim. Withdrawal of the rejection is respectfully requested.

Rejection under 35 U.S.C. §103

Applicant respectfully traverses the rejection of claim 6 under 35 U.S.C. §103(a), as allegedly being unpatentable over Rheins et al. (U.S. Pat. No. 6,720,145) as applied to claim 1 and further in view of Brown et al. (U.S. Pat. No. 5,807,522). However, in order to further prosecution and reduce the issues, Applicant has canceled claim 6, rendering the rejection moot as to that claim. Withdrawal of the rejection is respectfully requested.

Applicant respectfully traverses the rejection of claims 8-15, 20-35, 37-40, 42-50 and 75-81 under 35 U.S.C. §103(a), as allegedly being unpatentable over Trepicchio et al. (U.S. Pub. No. 2002/0037538) in view of Rheins et al. (U.S. Pat. No. 6,720,145). However, in order to further prosecution and reduce the issues, Applicant has canceled claims 8-15, 20-35, 37-40, 42-50 and 75-81, rendering the rejection moot as to those claims. Withdrawal of the rejection is respectfully requested.

Applicant respectfully traverses the rejection of claims 16 and 17 under 35 U.S.C. §103(a), as allegedly being unpatentable over Trepicchio et al. (U.S. Pub. No. 2002/0037538) in view of Rheins et al. (U.S. Pat. No. 6,720,145) as applied to claims 8 and 9, and further in view of De Simone et al. (U.S. Pat. No. 6,410,019). However, in order to further prosecution and reduce the issues, Applicant has canceled claims 16 and 17, rendering the rejection moot as to those claims. Withdrawal of the rejection is respectfully requested.

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Nicholas Benson
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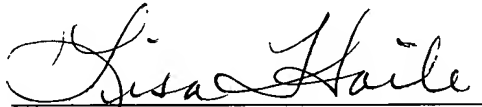
Conclusion

In summary, for the reasons set forth herein, Applicants submit that claims 7, 18, 19, 36, 41, 51 and 120-144 clearly and patentably define the invention, and respectfully request that the Examiner withdraw all rejections and pass the application to allowance. If the Examiner would like to discuss any of the issues raised in the Office Action, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

The Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 07-1896.

Respectfully submitted,

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